REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 8-10 are pending in the application, with Claim 8 being the independent claim.

The Examiner rejected Claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,639,973 to *Wheeler et al.* (hereinafter, *Wheeler*) in view of U.S. Publication No. 2002/0073142 to *Moran*.

Regarding the §103(a) rejection of Claims 8-10, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *Wheeler* and *Moran*. Specifically, the Examiner contends that *Wheeler* teaches or suggests each element of Claim 8, with the exception of a one-touch button that transmits the message after failure. The Examiner cites *Moran* in an attempt to remedy this deficiency.

Wheeler discloses a method in which an originating party pre-configures and pre-selects options of a call treatment rule set for particular individuals or groups in the event that certain parties are not reachable. *Moran* discloses a messaging system in which a feature key indicates that a user requires to send a pre-recorded message.

Claim 8 has been amended to more clearly recite the subject matter of the present invention. More specifically, Claim 8 has been amended to recite that when the request for establishment of the call connection fails, a one-touch call button of the mobile terminal is pressed, and in response to pressing the one-touch call button, a phone number of the counterpart mobile terminal entered during the request to establish a call connection is used to transmit a phone number of the mobile terminal and a predetermined message corresponding to the one-touch call button which is stored in the mobile terminal to the counterpart mobile terminal.

Wheeler utilizes prestored information in performing an action after a failed call attempt. Thus, the methodology of *Wheeler* is automatic and follows a predetermined logic. *Moran* describes a feature key that initiates a procedure for sending a pre-recorded message. However, the feature key of *Moran* does not alone enable transmission of the message, as additional input is also required from the user. Thus, it is unclear how the automatic methodology of *Wheeler* would be combined with the key that initiates a procedure of *Moran*.

Specifically, *Wheeler* uses a call treatment rule set when a called party is in a non-available state. The call treatment rule set is a criterion for call treatment, and specifically, it specifies what action to take should a particular called party be unavailable. The call treatment rule set is not transmitted to the called party, and thus, the call treatment rule set differs from the preset message corresponding to a one-touch call button of amended Claim 8.

As described above, *Wheeler* automatically performs logic according to the call treatment rule set in case of call connection failure. However, *Wheeler* fails to disclose the transmission of a message corresponding to a one-touch call button only after the one-touch call button is pressed, as recited in amended Claim 8.
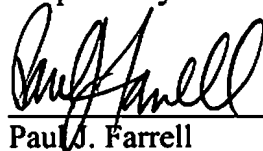
Moran stores messages pre-recorded in a message server, and requires connection to the message server to send any of the messages. In paragraph [0012], *Moran* describes that a call need not be set up between the terminal and the destination party mail box, which enables an originator to call a first party, and during the call, send an instant message to another party.

Moran fails to describe the sending of a message after a call connection failure. *Moran* also fails to disclose the pressing of a one-touch button after a call connection failure. *Moran* allows a user to connect to a message server and press the one-touch button at any time, which cannot be combined with *Wheeler*. Further, *Moran* fails to remedy the deficiencies of *Wheeler*, and amended Claim 8 is patentable over the combination of *Wheeler* and *Moran*.

Regarding Claims 9 and 10, while not conceding the patentability of the dependent claims, *per se*, Claims 9 and 10 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 8-10 are allowable over *Wheeler* and *Moran*, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 8-10 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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